

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: : Bankruptcy No. 21-70008-JAD
Gregory L. Miller and :
Tamara L. Miller, : Chapter 13
Debtors :
Docket No.
Gregory L. Miller and :
Tamara L. Miller, : Related to Docket No. 46
Movants :
Hearing Date & Time: October 13, 2021
vs. : 11:00 AM
:
CNB Bank, :
Capital One Bank USA, N.A., :
Ditech, :
M&T Bank, :
Penn State FCU, :
Synchrony Bank, :
Respondents :
and :
:
Ronda J. Winnecour, Esquire, :
Chapter 13 Trustee, :
Additional Respondent :

AMENDED ORDER CONFIRMING SALE OF PROPERTY FREE AND DIVESTED OF LIENS

This _____ day of _____, 2021, on consideration of the Movants' Motion for Sale of Property Free and Divested of Liens to Cen-Clear Child Service, Inc., 50 Bigler Road, Bigler, Pennsylvania 16825 for Three Hundred Twenty-Five Thousand Dollars (\$325,000.00), after hearing via a Zoom hearing, at which time, this date.

Regarding said Motion the Court finds:

1. That service of the Notice of Hearing and Order setting hearing on said Motion for private sale of real property free and divested of liens of the above-named Respondents, was effected on the following secured creditors whose liens are recited in said Motion for sale, viz:

DATE OF SERVICE

September 9, 2021

September 9, 2021

NAME OF LIENOR AND SECURITY

CNB Bank
First Mortgage

CNB Bank
Second Mortgage

September 9, 2021

CNB Bank
Third Mortgage

2. That sufficient general notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the Movant as shown by the certificate of service duly filed and that the named parties were duly serviced with the Complaint/Motion.
3. That said sale hearing was duly advertised on the Court's website pursuant to W.PA.LBR 6004-1-(c) on September 9, 2021, in the The Progress on September 17, 2021 and in the Clearfield County Legal Journal on September 17, 2021, as shown by the Proof of Publications duly filed.
4. That at the sale hearing no higher offers were received and no objections to the sale were made which would result in cancellation of said sale.
5. That the price of \$325,000.00 offered by Cen-Clear Child Service, Inc. is a full and fair price for the property in question.
6. That the Purchaser has acted in good faith with respect to the within sale in accordance with *In re Abbotts Dairies of Pennsylvania, Inc.*, 788 F.2d 143 (3d Cir. 1986).

IT IS ORDERED, ADJUDGED AND DECREED that the private sale by Movant's Quitclaim deed of the real property described in the Motion as 33 Bigler Road, Bigler, Pennsylvania 16825, is hereby confirmed to Cen-Clear Child Service, Inc., 50 Bigler Road, Bigler, Pennsylvania 16825, for \$ 325,000.00, free and divested of the liens herein described; and that Gregory L. Miller and Tamara L. Miller shall make, execute and deliver to the purchaser above named the necessary deed and/or other documents required to transfer title to the property purchased upon compliance with the terms of sale.

IT IS FURTHER ORDERED that the liens, claims and interests of all Respondents, including but not limited to, be and they hereby are divested from the property being sold, if and to the extent they may be determined to be valid liens against the sold property, and transferred to the proceeds of sale, and that the within decreed sale shall be free, clear and divested of said liens, claims and interests;

FURTHER ORDERED that after due notice to the claimants, lien creditors, and interest holders, and no objection on their parts having been made or, if made, resolved/overruled, the incidental and related costs of sale and of the within bankruptcy proceeding, shall be paid in advance of any distribution to said lien creditors.

FURTHER ORDERED that the following expenses/costs shall immediately be paid at the time of closing. Failure of the closing agent to timely make and forward the disbursements required by this Order will subject the closing agent to monetary sanctions, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this Order:

1. The following lien(s)/claim(s) and amounts;
 - a. CNB Bank – First Mortgage – approximately \$217,877.84;
 - b. CNB Bank – Second Mortgage – approximately \$34,620.89;
 - c. CNB Bank – Third Mortgage - approximately \$25,273.46;
2. Delinquent Real Estate Taxes in the amount of \$5,080.04
3. Transfer Taxes to Recorder of Deeds – Provided with Final Sales Report;
4. Clearfield County Legal Journal advertising cost in the amount of \$ 73.50;
5. The Progress advertising cost in the amount of \$ 71.86;
6. Realtor Commission to Jeffrey Holtz in the amount of \$19,500.00;
7. Chapter 13 Trustee's Fee in the amount of \$8,197.20;
8. Remaining funds to be provided to the Chapter 13 Trustee for disbursement to unsecured creditors.

FURTHER ORDERED that the Movants shall serve a copy of the within Order on each Respondent (i.e. each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney for the Debtors, the purchaser and the attorney for the purchaser, if any, and file a certificate of service.

FURTHER ORDERED that closing shall occur within thirty (30) days of this Order and the Movants shall file a report of sale within seven (7) days following closing.

FURTHER ORDERED that the Confirmation Order survives any dismissal or conversion of the within case.

BY THE COURT,

Jeffery A. Deller
United States Bankruptcy Judge